

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, Ca 95814



April 8, 1991

ALL COUNTY LETTER NO. 91-32

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY PROBATION DEPARTMENTS
 ALL COUNTY COUNSELS
 ALL PUBLIC AND PRIVATE ADOPTION AGENCIES
 ALL SDSS ADOPTIONS DISTRICT OFFICES

SUBJECT: WELFARE AND INSTITUTIONS CODE SECTIONS 366.21(i)(4)
 AND 366.22(b)(4) AND CONFIDENTIALITY OF ADOPTION CASE
 RECORDS

This letter provides guidelines for adoption agencies to follow regarding the provisions of Welfare and Institutions Code (WIC) Section 366.21(i)(4) or Section 366.22(b)(4) when the juvenile court has ordered a hearing pursuant to WIC Section 366.26. Under Section 366.26(c)(1), the decision to terminate parental rights is linked to an evaluation of the dependent child's likelihood of adoption. Prior to the hearing, the adoption agency is required to prepare a preliminary assessment of any identified prospective adoptive parent for a child who was made a dependent of the court on January 1, 1989 or thereafter.

As described in WIC Sections 366.21(i)(4) and 366.22(b)(4), the assessment of the prospective adoptive parent is preliminary in nature. It is intended to evaluate the eligibility and commitment of the person who is under consideration to become the child's adoptive parent. The assessment must include a social history, including a screening for criminal records and prior referrals for child abuse or neglect, and an evaluation of the potential adoptive parent's capability to meet the child's needs and the potential adoptive parent's understanding of the legal and financial rights and responsibilities of adoption.

The purpose of these guidelines is to preserve long standing, continuing policies regarding confidentiality of adoption case records and at the same time to satisfy the intent of the new WIC requirement for preparing the preliminary assessment in dependency proceedings. Accordingly, agencies are instructed to supply general, non-identifying information in the preliminary assessment report to the court required by either WIC 366.21(i)(4) or 366.22(b)(4).

Following is an example of the type of general, non-identifying information to be provided to the court while preserving confidentiality of the findings of an adoptive home study:

"The prospective adoptive father is a 38 year old Hispanic with two years of college and is self-employed as a gardener/landscaper. The prospective adoptive mother is a 34 year old Hispanic with a high school education and is employed as a secretary with the local public grammar school system. They have been married for 12 years and this is the first marriage for both. Their combined yearly income is approximately \$27,000 - \$33,500. They have no criminal or child abuse record. They have two birth children; a boy, aged 10, and a girl, aged 7.

"The prospective adoptive parents have been the foster parents for _____ since _____. They are very committed to _____ and have expressed a desire to adopt _____. _____ has also expressed a desire to be adopted by these prospective adoptive parents. The prospective adoptive parents clearly understand the need for and are willing to continue with _____ monthly therapy sessions."

Agencies should be aware, however, that in some smaller communities even this type of general information could be considered identifying. In these situations, agencies should take this result into consideration when developing the information for the preliminary assessment report to the court.

If, after general, non-identifying information has been supplied, the judge indicates a need for more specific or detailed information, the agency should respectfully request that the additional information be given to the judge in camera in order to maintain the confidentiality of the information.

If you have any questions, please contact the Adoptions Policy Bureau at (916) 322-4228 (ATSS 492-4228).



LOREN D. SUTER
Deputy Director
Adult and Family Services Division

cc: CWDA